

REMARKS

Claim 13 has been amended. New claim 33 has been added Claims 29-32 have been newly canceled. Claims 13-20 and 33 are pending.

In the action, claims 13-20 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,121,997 to La Pierre et al. The Applicant traverses this ground of rejection for the following reasons.

Amended independent claim 13 recites that a slider is inserted on a zipper, that lengths of first and second zipper flanges are respectively joined to a length of web, and that the joined lengths of zipper and web are cut "to form an individual shrouded slider-zipper assembly." Thereafter, i.e., after the cutting step, the length of web is joined to portions of a pre-made bag.

In contrast, La Pierre does not disclose a slider. La Pierre does not disclose a pre-made bag. Pierre does not disclose cutting joined lengths of zipper and web to form an individual shrouded slider-zipper assembly that is later joined to portions of a pre-made bag. In La Pierre, the shrouded zipper is not cut until after it has been joined to the bag making web.

Furthermore, the Examiner concedes that La Pierre does not disclose a slider mounted to the zipper, but asserts it would be obvious to do so. The Applicant respectfully disagrees. The La Pierre disclosure is clearly limited to a folded membrane having opposing zipper profiles integrally extruded thereon. As best seen in Figures 4 and 5 of Pierre, it is not possible to mount a slider on the zipper elements 32 and 34. Moreover, as best seen in Figure 5 of La Pierre, the perforated tear line 31 in membrane 12 is high above the zipper, so that if a slider were to be mounted to the zipper, it would not be easily accessible by the bag user, who would need to insert his forefinger and thumb inside the breached membrane to reach such a slider. Accordingly, it would not have been obvious to incorporate a slider on the zipper taught by La Pierre.

With regard to new claim 33, the idea of installing an individual shrouded slider-zipper assembly into the mouth of a pre-made gusseted bag is neither disclosed nor suggested by La Pierre. For this reason and the previously discussed reasons, it is believed that claim 33 is also patentable over La Pierre.

In the absence of the aforementioned claim limitations from the La Pierre disclosure, the Applicant respectfully submits that a *prima facie* case of obviousness has not been established and requests that the obviousness rejection

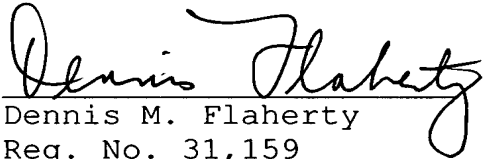
based on La Pierre be withdrawn.

In view of the foregoing, the Applicant submits that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 13-17, 19 and 20 are hereby requested.

Respectfully submitted,

April 9, 2007

Date


Dennis M. Flaherty
Reg. No. 31,159

Ostrager Chong Flaherty &
Broitman P.C.

570 Lexington Avenue
New York, NY 10022-6894
Tel. No.: 212-681-0600
Fax No.: 212-681-0300

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April 9, 2007

Date


Dennis M. Flaherty